

CLEARY GOTTlieb STEEN & HAMILTON LLP

One Liberty Plaza
New York, NY 10006-1470
T: +1 212 225 2000
F: +1 212 225 3999
clearygottlieb.com

WASHINGTON, D.C. • PARIS • BRUSSELS • LONDON • MOSCOW
FRANKFURT • COLOGNE • ROME • MILAN • HONG KONG
BEIJING • BUENOS AIRES • SÃO PAULO • ABU DHABI • SEOUL

D: +1 212-225-2086
jrosenthal@cgsh.com

THOMAS J. MOLONEY	MARGARET S. PEPONIS	HUGH C. CONROY, JR.
RICHARD S. LINGER	LISA M. SCHWEITZER	JOSEPH LANZKRON
JAMES A. DUNCAN	JUAN G. GIRÁLDEZ	MAURICE R. GINDI
STEVEN M. LOEB	DUANE MCLAUGHLIN	KATHERINE R. REAVES
CRAIG B. BROD	BREON S. PEACE	RAHUL MUKHI
NICOLAS GRABAR	CHANTAL E. KORDULA	ELANA S. BRONSON
CHRISTOPHER E. AUSTIN	BENET J. O'REILLY	MANUEL SILVA
HOWARD S. ZELBO	ADAM E. FLEISHER	KYLE A. HARRIS
DAVID E. BRODSKY	SEAN A. O'NEAL	LINA BENSMAN
ARTHUR H. KOHN	GLENN P. MCGRORY	ARON M. ZUCKERMAN
RICHARD J. COOPER	MATTHEW P. SALERNO	RESIDENT PARTNERS
JEFFREY S. LEWIS	MICHAEL J. ALBANO	
PAUL J. SHIM	VICTOR L. HOU	SANDRA M. ROCKS
STEVEN L. WILNER	ROGER A. COOPER	JUDITH KASSEL
ANDRES DE LA CRUZ	AMY R. SHAPIRO	PENELOPE L. CHRISTOPHOU
DAVID C. LOPEZ	JENNIFER KENNEDY PARK	BOAZ S. MORAG
MICHAEL A. GERSTENZANG	ELIZABETH LENAS	MARY E. ALOOCK
LEV L. DASSIN	LUKE A. BAREFOOT	HEIDE H. ILGENFRITZ
NEIL Q. WHORISKEY	JONATHAN S. KOLODNER	KATHLEEN M. EMBERGER
JORGE U. JUANTORENA	DANIEL LIAN	AVRAM E. LUFT
MICHAEL D. WEINBERGER	MEYER H. FEDIDA	ANDREW WEAVER
DAVID LEINWAND	ADRIAN R. LEIPIS	HELENA K. GRANNIS
DIANA L. WOLLMAN	ELIZABETH VICENS	JOHN V. HARRISON
JEFFREY A. ROSENTHAL	ADAM J. BRENNEMAN	CAROLINE F. HAYDAY
MICHAEL D. DAYAN	ARI D. MACKINNON	NEIL R. MARKEL
CARMINE D. BOCCUZZI, JR.	JAMES E. LANGSTON	KENNETH S. BLAZEJEWSKI
JEFFREY D. KARP	JARED GERBER	LAURA BAGARELLA
KIMBERLY BROWN BLACKLOW	COLIN D. LLOYD	SHIRLEY M. LO
ROBERT J. RAYMOND	COREY M. GOODMAN	JONATHAN D.W. GIFFORD
SUNG K. KANG	RISHI ZUTSHI	SUSANNA E. PARKER
SANDRA L. FLOW	JANE VANLARE	DAVID W.S. YUDIN
FRANCISCO L. CESTERO	DAVID H. HERRINGTON	RESIDENT COUNSEL
FRANCESCA L. ODELL	KIMBERLY R. SPOERRI	
WILLIAM L. MCRAE	AARON J. MEYERS	LOUISE M. PARENT
JASON FACTOR	DANIEL C. REYNOLDS	OF COUNSEL
JOON H. KIM	ABENA A. MAINOO	

May 23, 2020

VIA ECF

The Honorable Alison J. Nathan
United States District Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007

Re: *In re Application of Benjamin Steinmetz for an Order to Take Discovery
from Vale S.A., Vale Americas Inc., Rio Tinto PLC, and Rio Tinto
Limited Pursuant to 28 U.S.C. § 1782, 20-mc-212-AJN (S.D.N.Y.)*

Dear Judge Nathan:

We write on behalf of Vale S.A. and Vale Americas Inc. (collectively, “Vale”) in connection with the above-referenced application of Benjamin Steinmetz (“Steinmetz”) to conduct discovery for use in foreign proceedings pursuant to 28 U.S.C. § 1782 (the “Application”).

We have had back-and-forth communications with Steinmetz’s counsel with regard to service of process, as well as Vale’s need to promptly obtain all of the recordings referenced in the Yanus Declaration that accompanied the Application since Mr. Yanus does not claim to have participated in any of the conversations he purports to quote at length in his declaration. Vale intends to respond to the Application (which does not seek *ex parte* relief) and address, among other things, Steinmetz’s material misstatements of fact and law with respect to both the statutory requirements and discretionary factors under *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004). We will also address the smokescreen he attempts to create through the irrelevant, and potentially illegal, recordings made by the notorious Black Cube.

Hon. Alison J. Nathan, p. 2

We anticipate that after the issues concerning service and disclosure of the recordings are resolved, we will be able to reach agreement with Steinmetz's counsel on a proposed briefing schedule to present for the Court's approval. Should we be unable to do so, we will promptly advise Your Honor.

Thank you for Your Honor's consideration.

Respectfully submitted,

/s/ Jeffrey A. Rosenthal
Jeffrey A. Rosenthal

cc: Michael S. Kim, Esq.
Josef M. Klazen, Esq.
Robin Rathmell, Esq.
Victoria R. Morris, Esq.
Carolina Leung, Esq.